

REMARKS

Claims 1, 4-10 and 15-25 were pending in the application. Claims 11-14 were withdrawn from consideration. Claims 1, 4-10 and 15-25 stand rejected.

By way of this amendment, the Applicant has amended Claims 1, 4, 6, 8, 15, 16, 18, 20, and 23-24 and cancelled claims 9, 11-14, and 21. Accordingly, Claims 1, 4-8, 10, 15-20, 22-25 are pending in the application.

Objections to the Specification

In view of the arguments submitted below, further amendments to the specification are believed to be unwarranted.

Claim Rejections Under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 1, 4-10 and 15-25 as failing to comply with the written description requirement. In particular, the Examiner stated the claims contained subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention at the time of filing. Specifically, the Examiner objected to the Applicant's use of "deck extending (horizontally) from the closure body". The Examiner further noted that the deck is part of the closure body as seen in Figure 1 and described in paragraph [0018] and rejected its inclusion as new matter.

By adding the word extending horizontally, the Applicant was attempting to orient the structure to clarify the relationships to the other related structures. Obviously, these earlier amendments to the claims had the opposite effect, and made the claims less clear. Therefore, the Applicant has amended claims 1, 15, and 23 to omit this language.

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On the similar grounds, the Examiner also rejected claim 4 because the specification lacked support for the reinforcing stays extending the length of the ribs. The Applicant has amended claim 4 to more accurately reflect that the locations of the reinforcing stays are at the respective ends of the ribs and adjacent to the central gap. Support for this description can be found in the specification at paragraph [0020] at reference numbers 46 and 48, and in Figures 2, 7-8 at the same reference numbers.

Therefore, the Applicant respectfully solicits reconsideration of the pending claims.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

The Examiner rejected all of the claims as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

The Examiner remarked that the deck was a portion of the closure body and, therefore, could not extend from it. As discussed above, this language has been deleted from the claims.

The Examiner also rejected claims 5 and 6 for being indefinite because the set forth different claimed structures. An error existed in the dependency of the claim 6. Claim 6 has been amended to depend from claim 1. Similarly, claim 18 was amended to depend from claim 15.

On similar grounds, the Examiner also rejected claims 9 and 21 as failing to further limit the claims from which they depend. By way of this amendment, claims 9 and 21 have been cancelled.

The Examiner also rejected claims 8 and 20 for lack of antecedent basis for the limitation "the aligned". The Applicant has amended claims 8 and 20 to delete this language.

Therefore, the Applicant respectfully solicits reconsideration of the pending claims.

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Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 5-10, 15, and 17-23 under 35 U.S.C. 103(a) as being unpatentable over German Patent No. DE 196 52 148, issued to Schwarz, in view of U.S. Patent No. 5,143,234 issued to Lynn. In particular, the Examiner stated:

Schwarz teaches the claimed container and closure except for the ribs on a chord inside the closure, the lug on the container collar, interrupted beads on the closure and a dovetail arrangement between the lug and ribs. The term "chord" is given its broadest reasonable interpretation as a segment joining two points on a curve.

Lynn teaches it is known to provide engaging ribs on either of the closure and container and an engaging lug on the other of the closure and container.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the ribs on a chord inside the closure and the engaging lug on the container collar of Schwarz as taught by Lynn, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art.

The Applicant respectfully disagrees. The closure disclosed in Lynn does not place the ribs (26a, 26b in Fig. 1 or 142a, 142b in Fig. 4) on chord within the closure body. Lynn teaches that the ribs (26a, 26b or 142a, 142b) are on the circumference of the container or closure, as shown in Fig. 1 or Fig. 4 of Lynn respectively. Moreover, the ribs (26a, 26b or 142a, 142b) of Lynn are not pivotal as shown or claimed in the present Application. (See Figs. 5 and 7 and claims 1, 15, and 23 of this Application). Therefore, even if Lynn were combined with Schwarz, not all the features and limitations of the present invention are shown.

The Examiner further rejected claims 23 and 25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,143,234 issued to Lohrman in view of Lynn. In particular, the Examiner stated:

Lohrman teaches the claimed closure except for ribs on a chord inside the closure. The term "chord" is given its broades

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reasonable interpretation as a segment joining two points on a curve

Lynn teaches it is known to provide engaging ribs on either of the closure and container and an engaging lug on the other of the closure and container.

The Applicant respectfully disagrees and submits the arguments discussed above with regards to Lynn in support of withdrawal of the rejection. In particular, the closure disclosed in Lynn does not place the ribs (26a, 26b in Fig. 1 or 142a, 142b in Fig. 4) on chord within the closure body. Lynn teaches that the ribs (26a, 26b or 142a, 142b) are on the circumference of the container or closure, as shown in Fig. 1 or Fig. 4 of Lynn respectively. Moreover, the ribs (26a, 26b or 142a, 142b) of Lynn are not pivotal as shown or claimed in the present Application. (See Figs. 5 and 7 and claims 1, 15, and 23 of this Application). Therefore, even if Lynn were combined with Lohrman, not all the features and limitations of the present invention are shown. Therefore, the Applicant respectfully solicits reconsideration of the pending claims.

I

II

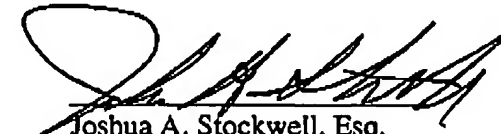
III

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Conclusion

In view of the foregoing, the Applicant respectfully solicits reconsideration of the pending claims. The USPTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,



Joshua A. Stockwell, Esq.  
Reg. No. 54,580

BARLOW, JOSEPHS & HOLMES, Ltd.  
101 Dyer Street  
5<sup>th</sup> Floor  
Providence, RI 02903  
401-273-4446 (tel)  
401-273-4447 (fax)